

02 DEC 2004

PATENT  
Docket No. 524012000300

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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mingdong ZHOU

International Application No.: PCT/CN03/00217

International Filing Date: March 26, 2003

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: ERBB3 BASED METHODS AND  
COMPOSITIONS FOR TREATING  
NEOPLASMS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

12/10/2004 LLANDGRA 0000024 031952 10516759

01 FC:2453 Dear Sir:

Applicant petitions for revival, as unintentionally abandoned, the U.S. National Phase of PCT/CN03/00217, under 37 CFR §1.137(b). In accordance with Rule 137(b), this petition is accompanied by (1) a proposed response to file the international application under 37 USC §371 in the form of attached documents and fees required for entry of the U.S. national phase; (2) payment of the fee required by 37 CFR §1.17(m); and (3) a statement that the delay in prosecution was unintentional. This petition is filed a little over two months past the date on which the application became abandoned.

Failure to timely enter the U.S. national phase resulted from a docketing oversight prior to the 30 month deadline date of September 26, 2004. The invention disclosed and claimed in the PCT/CN03/00217 was invented by the Applicant, Mingdong ZHOU<sup>1</sup> while the Applicant was employed at Zensun (Shanghai) Sci-Tech. Ltd. et al. Prior to the September 26, 2004 date, the Applicant instructed the undersigned for national stage entry of PCT/CN03/00217 in the U.S. and several other foreign countries. As of the September 26, 2004 date, national stage applications were filed in Australia, Canada, Europe (EPO) and Japan. Due to a docketing error, however, national stage application in the U.S. was not filed by the September 26, 2004 date. Once the docketing oversight was discovered, the Applicant immediately instructed the undersigned to start the process of reviving the U.S. national phase application.

In sum, both the failure to timely enter the U.S. national phase and the brief delay in filing a petition to revive the application were unintentional.

Should any further information be required to fully consider this petition, a call to the undersigned at the telephone number listed below is cordially invited.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952**. A duplicate copy of this petition is enclosed for that purpose.

- I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner

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<sup>1</sup> For U.S. national stage purpose, the sole inventor, Mingdong ZHOU, should be considered as the applicant.

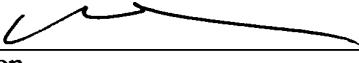
to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 524012000300.

However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 2, 2004

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